REMARKS

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1-10 were pending prior to the Office Action. Claims 11-28 have been added through this Reply. Therefore, claims 1-28 are pending. Claims 1, 5, and 7 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Interview Summary

Applicants appreciate the time and consideration afforded by the Examiner and the Examiner's supervisor in conducting the Interview on July 18, 2007. During the interview, Applicants presented arguments against the current rejections of the claims. The Examiner's supervisor indicated that the arguments were persuasive and, if presented in a Reply to the outstanding Office Action, would necessitate that the Examiner either provide a new grounds of rejection or allow the claims.

Therefore, Applicants present arguments herein comparable to those presented in the Interview and respectfully request reconsideration and withdrawal of the currently applied rejection under §103(a).

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2002/0196717 to Masui et al. ("Masui") in view of U.S. Patent No. 6,038,636 to Brown, III et al. ("Brown, III"). Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and traverse the rejection.

For a 35 U.S.C. § 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, independent claim 1 recites, in part, "a judgment device for judging whether a record format of said recording medium is suitable for recording said moving image data". Applicants submit that neither Masui nor Brown, III, nor any combination of the two references teach or suggest at least this feature of independent claim 1.

Masui is directed to a signal processing apparatus for carrying out predetermined signal processing on a light detection signal received via an information recording medium such as a CD-ROM or DVD-ROM drive. *See paragraph [0003].* The apparatus is designed to address operability issues arising from the use of different kinds of optical disks having different media formats. *See paragraphs [0009] – [0011].* Specifically, Masui teaches a device comprising a signal processing unit 104 which generates at least one servo error signal in order to carry out a focus servo and a track servo operation such that the laser is always irradiated on the recording medium 100 within a certain error range. *See paragraph [0075], Fig. 1.*

The Examiner contends that Masui discloses a judgment device for judging whether a record format of a recording medium is suitable for recording moving image data, and points to paragraph [0215] of Masui as allegedly disclosing this feature. Although Masui appears to teach a "media format judging section" which "judges the type or media format of the recording medium", the disclosed judging section merely determines the format of the optical media being read (i.e., CD-ROM, DVD-ROM, etc.). Masui discloses that, based on the determined media type, the servo error signal can be generated such that it corresponds to the type of media determined by the media format judging section. For example, Masui states that "it is possible to cope with each case by identifying the type of the recording medium and changing the operation coefficient Kv depending on the identified type..." *See paragraph [0215].*

In contrast, the present invention is directed to a judgment device for judging **whether a record format** of a recording medium **is suitable for recording moving image data**. Masui not only fails to disclose this feature, Masui is completely unconcerned with recording moving image data in any capacity. Masui does not disclose or suggest a record format as presented in the instant application. The "media format judging section" discussed by Masui is merely a determination as to which type of optical media format is being read, said optical media format relating to the physical structure of the optical media itself (e.g., DVD-ROM has denser data

storage than a CD-ROM). No determination is made as to suitability of a record format of the recording media for any type of data to be recorded onto the media. Therefore, Masui does not disclose a judgment device as claimed. Furthermore, Brown, III is not relied upon to cure this deficiency of Masui. Accordingly, claim 1 is distinguishable from the combination of Masui and Brown, III.

Even if, *arguendo*, Masui in view of Brown, III were to somehow disclose the judgment device of claim 1, which Applicants do not concede, Applicants further submit that Masui in view of Brown, III further fails to teach or suggest the feature of "a recording medium controller for controlling operation of said recording medium, said recording medium controller reformatting said recording medium with a high-speed record format suitable for the record of said moving image data when said judgment device judges that said record format is unsuitable for recording said moving image data", recited in claim 1.

The Examiner concedes that Masui does not disclose the recording medium controller of claim 1, and relies on Brown, III to allegedly teach this deficiency of Masui, pointing to col. 14, lines 21-27 and lines 37-45 of Brown, III. *See Office Action, item 2.* Applicants respectfully traverse.

Brown, III is directed to a method and apparatus for defragmenting a flash memory drive, wherein non-contiguous files on the flash drive are rearranged such that they are contiguous. *See abstract.* The passages cited by the Examiner are directed to the portion of this process wherein files on the flash drive are copied into RAM, the flash memory is formatted, and then the files are written back onto the flash drive.

However, neither the aforementioned section nor the entire disclosure of Brown, III teaches or suggests a recording medium controller which **reformats the recording medium with a high-speed record format suitable for recording moving image data when the judgment device judges that said record format is unsuitable for recording said moving image data**, as claimed. Brown, III fails to disclose, in any capacity, a high-speed record format suitable for recording moving image data. In addition, Applicants submit that the record format of the flash drive remains the same prior to and following defragmentation of the flash drive, which merely rearranges the recorded data on the drive into optimized locations. Furthermore,

contrary to the Examiner's assertion, Applicants contend that Brown, III does not teach or suggest a recording medium controller which operates according to a judgment device for judging suitability of a record format for recording moving images. No such judgment device is taught by Brown, III.

Finally, Applicants respectfully submit that Masui and Brown, III are directed to entirely different subject matter and are not combinable. Specifically, it is unclear why one of ordinary skill in the art would be motivated to modify the media judging section of Masui (which only determines a type of *optical* media, as previously discussed, *supra*) according to a flash drive defragmentation method as taught by Brown, III, especially since Brown, III only discloses one type of *non-optical* media (i.e., a flash drive). Applicants respectfully submit that Masui and Brown, III are not combinable in the manner contended by the Examiner.

Therefore, the combination of Masui and Brown, III fails to teach or suggest each and every limitation of claim 1. As demonstrated above, Masui and Brown, III both fail to teach or suggest the aforementioned limitations of claim 1. Independent claims 5 and 7 recite features similar to claim 1 and are distinguishable from the prior art at least for the reasons presented above with respect to claim 1. Claims 2-4, 6, and 8-10 depend from claims 1, 5, and 7, directly or indirectly. Therefore, for at least the reasons stated with respect to claim 1, 5, and 7, claims 2-4, 6, and 8-10 are also distinguishable from Masui in view of Brown, III.

Therefore, Applicants submit that claims 1-10 are patentable over the prior art and respectfully request that the rejection of claims 1-10 under §103(a) be withdrawn.

New Claims

New claims 11-28 have been added through this Amendment, and are considered to be in condition for allowance at least due to their dependence directly or indirectly upon allowable independent claims 1, 5, and 7. No new matter has been entered.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders, Reg. No. 60,166 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By _____

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